IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 216 OF 2004

Shri Sanjay Rajaram Bhosle,
R/at Koregaon, Inamdar Vasti,
Pune Solapur Road,
Taluka Haveli, Dist. Pune. ..petitioner.

Vs.

1. Sou. Vanamala alias Archana Sanjay Bhosle, R/at S.No. 14, Near Akashwani, Hadapsar, Pune -29
..Respondent.
2. Sangram Sanjay Bhosle,
Age 2 years.

Shri Shiv Motariya for the petitioner.

CORAM : F.I. REBELLO &
ANOOP V.MOHTA, JJ.

DATE : 31ST AUGUST, 2004.

ORAL JUDGMENT (PER F.I. REBELLO, J).

. The Family Court after assessing the holding of lands and other income of the petitioner has awarded sum of Rs. 1500/- in favour of the wife and Rs. 1500/- in favour of minor son per month, which is the subject matter of challenge in this petition, in exercise of the revisional jurisdiction of this Court.

2. The question raised is whether the material before this Court warrants interference in the exercise of revisiional jurisdiction. It has come on record that

it was the case of the respondent that the petitioner's family holds 15 acres of land, petitioner is having tractor, a motorcycle and is also doing the business in milk out of the buffalos belonging to him.

3. In cross-examination, the petitioner denied that he had 15 acres of land and set out that the family has 7 acres of land. He then set out that he has 2-1/2 acres of land, he has purchased tractor. He has purchased tractor not for giving it on rent but for use in the fields. In other words, natural presumption should be drawn that the tractor is being used for tilling the land belonging to the petitioner. If that is the case, it cannot be said that the petitioner has insufficient lands. From the fact that the tractor is required and was purchased there must be the presumption that he has sufficient land. The nature of the crops grown has also come on the record. In these circumstances, we do not find that the learned Court has committed any error in awarding the amount, as awarded.

4. The learned Counsel states that the notice be issued to the respondent for one time settlement. If that is the condition, it is open for the petitioner to

move the learned Family Court for one time settlement. If such an application is moved, irrespective of any other aspect of the matter, the learned Family Court, after giving notice to the respondent, to consider the same and pass the appropriate orders . Revision Application is disposed of.

. Parties concerned to act on a simple copy of this order, duly authenticated by the Court Stenographer of this Court.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]